

Court of Appeals, State of Michigan

ORDER

Wells Fargo Bank Minnesota NA v Leisure Village Assoc

Docket No. 268660

LC No. 00-031860-CZ

Bill Schuette
Presiding Judge

William C. Whitbeck, CJ

Stephen L. Borrello
Judges

The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED for lack of merit in the grounds presented. By definition, the January 24, 2002 order is the final order for the case since it is the first order that disposed of all the claims and adjudicated the rights and liabilities of all the parties to the original suit and was not reversed by a subsequent order. MCR 7.202(6)(a)(i). The mere fact that the circuit court deemed the February 10, 2006 order to be a final order does not change the fact that it is not since the parties and the lower court cannot give this Court jurisdiction where none exists. *Bowie v Arder*, 441 Mich 23, 56; 490 NW2d 568 (1992). Since appellant never had the right to claim an appeal from any order entered after the January 2002 order, any alleged due process violation would affect the question whether the purported violation prevented appellant from challenging the April 13, 2004 order via an application for leave to appeal, not whether this Court improperly dismissed the claim of appeal.

The Court orders that the motion for leave to file a late response is GRANTED, and the Clerk's Office shall accept the response attached to the motion for filing.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 17 2006

Date

Sandra Schultz Mengel
Chief Clerk